United Nations A/HRC/WG.6/31/MUS/2

General Assembly

Distr.: General
27 August 2018

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Thirty-first session
5–16 November 2018

Compilation on Mauritius

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures, as well as other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1][2]

2. In 2015, the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities recommended that Mauritius ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure[3] and the Optional Protocol to the Convention on the Rights of Persons with Disabilities.[4] In 2017, the Human Rights Committee urged Mauritius to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.[5] The Committee against Torture invited Mauritius to ratify the core United Nations human rights treaties to which it was not yet party and recommended making the declarations under articles 21 and 22 of the Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment.[6]

3. The Committee on the Rights of the Child recommended ratifying the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).[7]

4. The Independent Expert on the enjoyment of all human rights by older persons (Independent Expert on older persons) pointed out that Mauritius had not ratified, among others, the Convention on the Prevention and Punishment of the Crime of Genocide.[8] The Committee on the Rights of Persons with Disabilities recommended acceding to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind,

Visually Impaired, or Otherwise Print Disabled and withdrawing all its reservations to the Convention.[9]

5. The Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that Mauritius accede to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol.[10] UNHCR also recommended that Mauritius ratify the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa.[11] It further recommended that Mauritius accede to the 1954 Convention relating to the Status of Stateless Persons and to the 1961 Convention on the Reduction of Statelessness, as this would establish a framework to protect stateless persons or persons at risk of statelessness.[12] The Committee on the Rights of the Child recommended that Mauritius ratify the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa.[13]

6. The Office of the United Nations High Commissioner for Human Rights (OHCHR) noted that Mauritius had issued a standing invitation to special procedure mandate holders.[14] The Committee on the Rights of the Child urged Mauritius to fulfil its reporting obligations under the two Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography.[15] The Committee against Torture invited Mauritius to make public the report of the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment on its 2007 visit.[16] The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that Mauritius be encouraged to continue to submit State reports for the periodic consultations on its education-related standard-setting instruments.[17]

7. Mauritius contributed once during the previous funding cycle (in 2016) to OHCHR.[18]

III. National human rights framework[19]

8. The Independent Expert on older persons considered it essential that Mauritius incorporate the human rights treaties to which it is party into its national legislation, so that individuals could directly invoke them before national courts. She recommended that Mauritius popularize and make publicly available international human rights law, principles and standards and relevant domestic legislation.[20]

9. While welcoming the 2012 Protection of Human Rights (Amendment) Act, broadening and strengthening the mandate of the National Human Rights Commission, the Human Rights Committee was concerned that the selection and appointment of its members was not sufficiently transparent and participative, and about the lack of sufficient staff.[21] The Committee against Torture urged Mauritius to guarantee the independence of its members, while referring to the principles relating to the status of national institutions for the promotion and protection of human rights.[22] The Independent Expert on older persons stated that the mandate of the National Human Rights Commission was limited in scope, as it did not deal with complaints relating to economic, social and cultural rights.[23]

10. While welcoming the commitment of Mauritius to strengthening the Office of the Ombudsperson for Children, the Committee on the Rights of the Child recommended providing it with adequate resources to enable it to carry out its mandate effectively.[24]

11. While welcoming the 2012 National Preventive Mechanism Act and the operationalization of the National Preventive Mechanism Division of the National Human Rights Commission since June 2014, the Committee against Torture expressed concern that the independence of the National Preventive Mechanism Division of the Independent Police Complaints Commission was not guaranteed under current legislation.[25]

12. The Committee against Torture welcomed the National Human Rights Action Plan 2012–2020[26] and the Committee on the Rights of the Child welcomed the establishment of the Human Rights Monitoring Committee in 2013 to ensure the implementation of the Action Plan.[27] OHCHR reported that a Standing Technical Interministerial Committee for

reporting and follow-up on international and regional human rights conventions had been established in Mauritius.[28]

13. The Human Rights Committee welcomed the 2013 Police Complaints Act and the 2013 amendments to the Criminal Appeal Act.[29] The Committee against Torture welcomed the Independent Police Complaints Commission Act and the Protection from Domestic Violence (Amendment) Act, both of 2016, and the 2012 Criminal Code (Amendment).[30] The Human Rights Committee welcomed the 2012 Legal Aid and Legal Assistance Act[31] and, jointly with the Committee on the Rights of the Child, welcomed the 2012 Equal Opportunities Act.[32] The Committee against Torture welcomed the political commitment of Mauritius to legal, policy and institutional reforms set out in the programme of the Government for the period 2015–2019.[33]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[34]

14. Referring to existing patterns of discrimination, marginalization and social exclusion, the Independent Expert on older persons recommended that the Government 7264continue to address those prevalent patterns, which were perpetuated in old age. Certain communities and ethnic groups, such as the Creoles, remained significantly disadvantaged in the enjoyment of economic, social and cultural rights, in spite of the implementation of a range of measures. She emphasized that while the caste system was not recognized by law, hierarchical structures along caste and racial lines persisted and she encouraged the Government to take affirmative action in favour of all marginalized groups.[35]

15. The ILO Committee of Experts on the Application of Conventions and Recommendations requested the Government to harmonize the prohibited grounds of discrimination enumerated in the Equal Opportunities Act with those of the Employment Rights Act so as to ensure consistency in its non-discrimination and equality legislation. It urged Mauritius to address without delay discrimination based on race, colour, ethnic and social origin, and occupational stereotyping in the labour market.[36] The Committee also encouraged the Government to undertake studies on different groups in the labour market, in particular members of the Malaise Creole community and migrant workers, with a view to effectively eliminating any discrimination against them.[37]

16. The Committee on the Rights of the Child stressed that discrimination persisted, particularly for children from disadvantaged and marginalized families, recommending that Mauritius prohibit direct and indirect discrimination in a children's act and put in place policies and mechanisms to eliminate discrimination.[38]

17. The Human Rights Committee was concerned about hate speech and violence, including death threats, against lesbian gay, bisexual and transgender persons. It urged Mauritius to protect them from all forms of discrimination based on sexual orientation and gender identity, by including hate speech and violence as grounds of discrimination in all relevant legislation; repeal article 250 of the Criminal Code, criminalizing "sodomy" and "bestiality"; and investigate all complaints of violence arising from discrimination against lesbian gay, bisexual and transgender persons and prosecute those responsible.[39]

18. The Independent Expert on older persons hoped that adequate measures would be taken to publicize and implement the new policy on ageing for the period 2014–2024.[40] The Human Rights Committee urged Mauritius to adopt the national strategy paper and action plan on ageing with sufficient resources for its effective implementation.[41] The Independent Expert stressed that substituted decision-making should be replaced by supported decision-making in the exercise of legal capacity.[42]

2. Development, the environment, and business and human rights[43]

19. The Secretary-General commended Mauritius for its Vision 2030 approach to inclusive growth, harnessing the power of the blue economy and advancing sustainable development.[44]

20. The Committee on the Rights of the Child recommended that Mauritius take into account the vulnerabilities, needs and views of children in developing policies or programmes on issues related to climate change and disaster risk management.[45]

21. The Independent Expert on older persons stated that climate change could result in significant internal migration/relocation linked to its impact on some economic sectors. That impact needed to be addressed and mitigated, while alternative livelihood or resettlement options needed to be provided over time and gradually.[46]

3. Human rights and counter-terrorism[47]

22. Concerned by the Prevention of Terrorism Act, the Human Rights Committee urged that legislation on terrorism be in full compliance with article 9 of the Covenant and that all legal guarantees against arbitrariness and abusiveness be available to persons arrested and detained.[48]

B. Civil and political rights

1. Right to life, liberty and security of person[49]

23. The Committee against Torture was concerned at reports of torture and ill-treatment by law enforcement officials, leading on some occasions to death.[50] The Human Rights Committee was particularly concerned about ill-treatment by the security forces of persons deprived of their liberty.[51] The Committee against Torture urged Mauritius to promptly and thoroughly investigate all complaints of torture and ill-treatment, and prosecute the alleged perpetrators; ensure that the new Independent Police Complaints Commission had the capacity to carry out inquiries into such complaints and the mandate to issue recommendations on corrective measures; and put in place legal provisions and procedures to enable victims to enjoy their right to adequate and appropriate redress.[52] It also stressed that Mauritius should ensure accountability for acts of torture.[53]

24. The Committee against Torture noted the absence in the legislation of an absolute prohibition of torture, urging Mauritius to introduce a statutory provision in that regard and bring its laws into line with the absolute ban. It also urged that acts of torture carry appropriate penalties.[54]

25. The Human Rights Committee was concerned about poor conditions of detention in prisons.[55] The Committee against Torture was concerned about poor hygiene and inadequate access to food and water and urged that material conditions in prisons be improved.[56] The Human Rights Committee also urged that remand detainees be separated from those serving a prison sentence, measures be taken to prevent suicide by detainees and alternatives to detention applied.[57]

26. The Independent Expert on older persons considered that provisions included in the Protection of Elderly Persons Act 2005 did not capture the full range of violence against older persons and therefore did not allow proper detection of such violations. She highlighted the need to legislate or amend existing legislation to protect older persons from abuse and to adopt policies to prevent violence and abuse. She recommended an awareness-raising strategy regarding abuse and violence against older persons, complemented by mandatory, specialized training seminars for, inter alia, judges, lawyers and other members of the judiciary.[58]

2. Administration of justice, including impunity, and the rule of law[59]

27. The Committee against Torture was concerned at the number of arrests made without reasonable suspicion of the commission of an offence, resulting in an increased use of pretrial detention, and at the slowness of judicial procedures.[60] The Human Rights

Committee was also concerned about the large number of persons in pretrial detention, particularly for drug-related cases.[61] The Committee against Torture urged that safeguards for the full justification of arrests and detentions be specified, alternative and non-custodial measures promoted and delays in criminal proceedings reduced.[62]

28. The Committee against Torture was concerned about the overreliance of the police on confessions for investigation and prosecution purposes, and about the reported extraction of confessions under duress. It urged Mauritius to improve investigation methods using scientifically based evidence; invalidate as evidence statements obtained through torture or cruel, inhuman or degrading treatment; investigate the reported extraction of confessions allegedly obtained under duress; and prosecute perpetrators.[63]

29. While noting the intention to abolish the provisional charges system, the Human Rights Committee was concerned that the system under which a person might be detained upon suspicion of commission of a serious offence might result in abusiveness and arbitrariness. It urged that the rule of provisional charge be removed, articles 5 (1) (k) and 4 of the Constitution amended and the new bill on criminal evidence, aligning it with the Covenant, adopted.[64]

3. Fundamental freedoms and the right to participate in public and political life[65]

30. UNESCO stated that the Constitution guaranteed freedom of expression but no freedom of information law had been adopted and defamation was criminalized under article 288 of the Criminal Code Act. It stated that the Government should decriminalize defamation and place it within a civil code that was in accordance with international standards. It also recommended that the Government introduce a freedom of information law that was in accordance with international standards.[66]

31. UNESCO reported that the Information and Communication Technologies Authority was the regulatory and licensing body for matters of communication and information. Regarding freedom of opinion and expression, it pointed out that the nine Board members of the Authority were appointed by the Government and that the Independent Broadcast Authority in charge of regulating the sector was a body composed of members of the Government. UNESCO recommended that the Government assess the appointment system for the broadcast licensing authority to ensure that it was independent.[67]

32. While taking note of a ministerial committee working on reforming the electoral system in the light of its Views in the case of *Narrain et al. v. Mauritius*,[68] the Human Rights Committee was concerned about the lack of fair representation of the various components of the population in public and political affairs. It urged that the new electoral system address political participation and obstacles related to representation.[69]

33. While welcoming the improvement in the representation of women in decision-making bodies at the municipal and village council levels, the Human Rights Committee remained concerned at the low percentage of women in the National Assembly and the Cabinet. It urged Mauritius to improve the representation of women in decision-making bodies at the national level.[70]

4. Prohibition of all forms of slavery[71]

34. The Committee on the Rights of the Child was concerned that Mauritius remained a source, destination and transit country for trafficking in persons, including children.[72] The Human Rights Committee was also concerned about trafficking, including of children and migrants, for sexual and labour exploitation.[73] The Committee against Torture was concerned that perpetrators of trafficking-related crimes had not been prosecuted under the Combating of Trafficking in Persons Act.[74] The Human Rights Committee urged that the Act and other relevant legislation be enforced[75] and the Committee against Torture urged that awareness of the Act be promoted.[76] The Human Rights Committee also urged that complaints from victims be facilitated and that they be protected from reprisals and provided with material, medical and psychological support.[77] The Committee on the Rights of the Child recommended that Mauritius adopt a comprehensive national action plan and develop a coordination mechanism to address trafficking and prosecute traffickers.[78]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work[79]

35. The ILO Committee of Experts urged the Government to amend without delay the remuneration regulations concerning the salt, sugar and tea industries in order to remove all remaining gender-specific job appellations and different wage rates for men and women in the same job category, which constituted direct wage discrimination based on sex.[80]

36. The Committee recalled that legal standards on protection against acts of anti-union discrimination were inadequate if they were not accompanied by sufficiently dissuasive sanctions and effective and expeditious procedures to ensure their practical application.[81]

37. The Committee requested that the Government promote and encourage the greater development and utilization of procedures of voluntary negotiation between employers or employers' and workers' organizations to regulate conditions of employment through collective bargaining agreements.[82]

38. The Committee requested that the Government take the necessary measures to ensure that domestic workers, who were particularly vulnerable to discrimination, and workers in enterprises with fewer than 10 full-time employees, enjoyed the same protection against discrimination as all other workers.[83]

2. Right to social security[84]

39. The Independent Expert on older persons expressed concern regarding the long-term sustainability of the pension and social protection systems and encouraged the Government to take measures to reduce the fiscal cost of them, such as decreasing incentives for early retirement and reducing the job categories eligible for early retirement.[85]

3. Right to an adequate standard of living[86]

40. The Independent Expert on older persons asserted that while, overall, only an estimated 8.7 per cent of Mauritians lived in poverty, there were pockets of poverty in some areas.[87] While noting the efforts made towards poverty alleviation, the Committee on the Rights of the Child reiterated its concern about the living conditions of children from disadvantaged and marginalized families. It recommended that Mauritius strengthen measures for fulfilling children's rights in the National Child Protection Strategy.[88]

41. The Independent Expert on older persons stated that Mauritius spent about 50 per cent of its budget on social services. She encouraged the Government to take effective measures to combat poverty in old age and underscored the need to ensure that social housing programmes did not reinforce de facto residential and ethnic segregation of poor and marginalized populations.[89]

4. Right to health[90]

42. While noting that increased human resources were going to the health sector, the Committee on the Rights of the Child was concerned about prevailing maternal malnutrition and inadequate prenatal care. It recommended improving the nutritional status of infants, children and mothers.[91]

43. The Committee on the Rights of the Child recommended improving the follow-up treatment for mothers and their infants infected with HIV, and the access to high-quality, age-appropriate HIV/AIDS, sexual and reproductive health services.[92]

44. The Human Rights Committee urged Mauritius to ensure access to affordable contraceptives and provide quality information and education programmes on sexual and reproductive rights throughout the country.[93]

45. The Human Rights Committee also urged Mauritius to amend its legislation in order to guarantee safe, legal and effective access to abortion, where the life or health of the pregnant woman or girl was at risk and where carrying a pregnancy to term would cause

substantial pain or suffering; and not to apply criminal sanctions against women and girls undergoing abortion or medical service providers assisting them.[94]

46. The Independent Expert on older persons emphasized the need for specific health measures for older people, calling on the Government to ensure the availability and accessibility of such health services.[95]

5. Right to education[96]

47. The Committee on the Rights of the Child was concerned about, inter alia, the inadequate provision of educational materials in Creole, limiting access to education for Creole-speaking children; the limited access to vocational training for children who dropped out of school; and the lack of adequate financial resources for early childhood education. It recommended that Mauritius improve the quality of education and its accessibility; develop and promote high-quality vocational training, particularly in rural areas; and develop and expand early childhood education.[97]

48. UNESCO reported that English and French were used as the media of instruction, whereas most people spoke Creole. It recommended that Mauritius reinforce the inclusive dimension of its educational system, in order to include all learners and children and to ensure that their mother tongue was not an obstacle to their education.[98]

49. UNESCO stated that women and girls continued to face unequal opportunities in technical and vocational education and that Mauritius should be encouraged to foster women's and girls' access to technical and vocational training and should support them to choose fields of education they had not traditionally considered.[99]

50. While acknowledging that there were educational and cultural programmes available for older persons, the Independent Expert on older persons stated that further measures were required to promote lifelong and intergenerational learning.[100]

51. UNESCO encouraged Mauritius to root human rights education more deeply in all curricula.[101]

D. Rights of specific persons or groups

1. Women[102]

52. The Committee on the Elimination of Discrimination against Women inquired about measures taken to change discriminatory stereotypes concerning the roles of women and to address the stereotypical portrayal of women.[103]

53. The Human Rights Committee was concerned about discrimination against women at work in both the public and private sectors, including low-skilled jobs and low wages, very low numbers of women in decision-making positions and the difficulties women victims of discrimination faced in accessing the Equal Opportunity Commission or the Equal Opportunity Tribunal. It urged Mauritius to enforce regulations on equal pay for work of equal value; empower women in higher-skilled jobs and in decision-making positions; and facilitate complaints from women.[104]

54. The ILO Committee of Experts noted that occupational gender segregation continued to be a significant feature of the labour market.[105] It expressed the hope that the National Remuneration Board be provided with the appropriate training in the near future to ensure that appropriate methods free from gender bias were used for job evaluation and wage determination in the private sector.[106]

55. In 2014 and 2017, the Committee on the Elimination of Discrimination against Women requested the repeal of section 16 (4) (c) of the Constitution, which discriminated against women in relation to adoption, marriage, divorce, burial and devolution of property upon death, and that the Constitution be brought into compliance with articles 2 and 16 of the Convention on the Elimination of All Forms of Discrimination against Women.[107]

56. Despite the various steps taken to end gender-based violence and domestic violence, the Human Rights Committee was concerned about persistent violence against women,

resulting in some instances in death. It was also concerned that marital rape was not criminalized. It urged Mauritius to combat violence against women, by bringing perpetrators to justice, facilitating complaints, protecting women against reprisals or social reprobation and providing them with adequate assistance.[108]

57. The Committee against Torture urged that such violence be addressed by modernizing the criminal legislation, including defining marital rape as a specific criminal offence and abrogating section 242 of the Criminal Code, which excused manslaughter committed against a spouse caught in adultery.[109]

58. The Committee on the Elimination of Discrimination against Women reiterated its concern that the protection envisaged by the 1997 Protection from Domestic Violence Act, and its 2007 and 2011 amendments, might not be providing adequate protection for women, and that many women with protection orders were still subjected to attacks by their spouses. It considered that Mauritius had failed to offer effective protection to women who filed complaints about violence.[110] The Committee on the Rights of Persons with Disabilities highlighted the absence of any provisions concerning women with disabilities in the Protection from Domestic Violence Act.[111]

2. Children[112]

59. While noting the efforts made in terms of child protection, the Committee on the Rights of the Child was concerned about the prevalence of violence against children, including ill-treatment and sexual abuse. It recommended formulating a comprehensive strategy for preventing and combating child abuse, violence and neglect; effectively investigating complaints; and bringing those responsible to justice.[113] The Committee was concerned that corporal punishment was applied as part of the school culture. It urged that legislation, including a children's act, explicitly prohibit corporal punishment in all settings.[114]

60. The Committee was concerned at the increase in the sexual exploitation of children, especially child sex tourism. It recommended that Mauritius establish mechanisms and procedures for reporting and investigating child sexual exploitation and abuse cases; bring to justice those who had sexually abused and exploited children; ensure the recovery and social reintegration of child victims; and address their stigmatization.[115]

61. The Committee was concerned that some children below 18 years of age worked in dangerous conditions, including in agriculture, street vending and domestic service. It recommended the adoption of a strategy to combat child labour, including its worst forms; strengthening the labour inspectorate to detect and sanction child labour; and improving protection and reintegration programmes.[116]

62. The Committee was concerned about children, most of them aged 11 to 16, in street situations. It recommended that Mauritius protect them, offer alternatives to institutionalization and support their long-term educational and developmental needs.[117]

63. Concerned that institutionalization was more used than family-based care, the Committee recommended that Mauritius facilitate family-based care for children and establish a professionalized foster care system for them, while ensuring independent and periodic reviews of foster care and institutions.[118]

64. The Human Rights Committee was concerned, inter alia, about the lack of legal clarity regarding the minimum age of criminal responsibility; the fact that legal aid was not always available to children facing justice; that children were often being tried without legal representatives or guardians; and that under the Juvenile Offenders Act, children considered as being "beyond control" were placed in closed institutions at the request of their parents.[119] The Committee against Torture recommended that in revising the juvenile justice bill and in the draft children's bill, Mauritius establish a statutory minimum age of criminal responsibility and ensure that children in conflict with the law were tried in juvenile courts.[120]

65. The Committee on the Rights of the Child recommended that Mauritius integrate the right of the best interests of the child in all legislative, administrative and judicial proceedings as well as in all policies relevant to children.[121] It further recommended

implementing legislation recognizing the right of the child to be heard in relevant court and administrative proceedings and to bring the juvenile justice system fully into line with relevant standards.[122]

66. The Committee welcomed the National Child Protection Strategy and its action plan in 2014, recommending that both cover all areas under the Convention on the Rights of the Child.[123] It also recommended increasing budgetary allocations for education, health and child protection issues.[124]

67. The Committee encouraged Mauritius to adopt a comprehensive children's act in order to consolidate the legislation covering children's rights and establish an effective coordination body to coordinate all activities relating to the Convention on the Rights of the Child.[125] It also recommended the urgent adoption of the new adoption act and encouraged the establishment of an independent body to facilitate adoption processes.[126]

68. The Committee was concerned about the large number of underage marriages and the fact that the Child Protection Act defined a child as any unmarried person under the age of 18. It urged Mauritius to enforce the minimum age of marriage, set at 18.[127]

69. The Committee recommended accelerating the procedures for and facilitating late birth registration and ensuring access to education for children without birth registration.[128]

3. Persons with disabilities[129]

70. The Committee on the Rights of Persons with Disabilities was concerned about the limited measures taken to combat violence and abuse against persons with disabilities, especially sexual abuse of children with disabilities, including within the family, and about the abuse and neglect of boys and girls placed in some institutions run by non-governmental organizations (NGOs). It urged Mauritius to prevent violence against persons with disabilities, protect them from violence; ensure their effective access to remedies and recovery; and bring perpetrators to justice.[130]

71. The Committee was concerned about the absence of safeguards to prevent the forced treatment of persons with disabilities in hospitals and institutions, especially the forced sterilization of women and girls with disabilities. It recommended prohibiting those practices, in the absence of free and informed consent.[131]

72. The Committee was concerned about the placement of children with disabilities in residential institutions, where they lacked care and psychological support and were sometimes subjected to cruel, inhuman and degrading treatment. It recommended that Mauritius remove children with disabilities from the *centres de sauvegarde* and develop family and community-based alternatives. It also recommended that Mauritius deinstitutionalize persons with disabilities while promoting their autonomy and inclusion.[132]

73. The Committee urged Mauritius to consult with persons with disabilities in the design, implementation and monitoring of the draft disability bill and of the disability strategy and action plan on disability for the period 2015–2020, and in the drafting process of the national risk reduction disaster management bill.[133] It recommended reflecting the human rights model of disability in the Equal Opportunities Act and in the Training and Employment of Disabled Persons Act and eliminating the use of derogatory language. It also recommended including the rights of women and girls into all laws, policies and programmes and protecting them from multiple discrimination and violence.[134]

74. The Independent Expert on older persons asserted that accessibility was an issue of concern in all areas of Mauritius, notably public services, transportation, communication and information.[135] The Committee on the Rights of Persons with Disabilities recommended the adoption of a legally binding accessibility action plan, providing for disability-related and age-appropriate accommodations in all legal proceedings and ensuring that free of charge accessibility measures were available in all courts for persons with disabilities.[136]

75. The Committee recommended that Mauritius abolish guardianship measures in law and in practice, recognize the legal capacity of persons with disabilities on an equal basis with others and introduce supported decision-making mechanisms.[137]

76. UNESCO stated that Mauritius did not effectively provide for an inclusive education for children with disabilities. It should rely less on NGOs to provide specialized services to children with disabilities and train teachers and social workers in schools to take adequate charge of such children, including with an individual follow-up process to ensure their inclusion in mainstream schools.[138]

77. The Committee on the Rights of the Child was concerned that children with disabilities attending schools faced rejection and stigmatization.[139] The Committee on the Rights of Persons with Disabilities mentioned a segregated education system in which many children with disabilities were deprived of education and children with disabilities aged 2 or 3 were enrolled in NGO-run specialized schools, preventing their inclusion in mainstream schools.[140] It recommended that Mauritius create a fully funded and inclusive quality education system.[141] The Committee on the Rights of the Child further recommended giving priority to inclusive education over the placement of children in specialized institutions and classes; assigning specialized teachers and professionals for individual support to children with learning difficulties; and combating stigmatization of and prejudice against children with disabilities.[142]

78. The Committee on the Rights of Persons with Disabilities also recommended, inter alia, covering health, rehabilitation and other disability-related expenses for children with disabilities, providing appropriate and accessible habilitation and rehabilitation services, and protecting persons with disabilities from discrimination in employment.[143]

79. The Committee on the Rights of Persons with Disabilities recommended that Mauritius repeal the discriminatory provisions in the Constitution and the related regulations so that persons with disabilities could enjoy their right to vote and to be elected.[144]

4. Minorities and indigenous peoples[145]

80. In resolution 71/292, the General Assembly requested that the International Court of Justice render an advisory opinion on the legal consequences arising from the separation of the Chagos Archipelago from Mauritius in 1965. It pointed, in particular, to the inability of Mauritius to resettle its nationals, including those of Chagossian origin, on the archipelago.

5. Migrants, refugees, asylum seekers and internally displaced persons[146]

81. The Committee against Torture took note of provisions on the protection of human rights and of the right to appeal an extradition decision within the Extradition Act (2017).[147]

82. UNHCR stated that refugees and persons seeking asylum in Mauritius did not have legal rights beyond what was stipulated under international customary law (for example, the principle of non-refoulement).[148]

83. UNHCR highlighted the need to establish fair and efficient asylum procedures. It also stressed the need for national asylum legislation and a national framework on asylum that was consistent with relevant international standards, ensured prompt access to fair and efficient refugee status determination procedures and provided the necessary safeguards. It stated that without an effective asylum system (including a referral mechanism that ensured access to asylum procedures), there was a high risk that persons might be subjected to refoulement.[149] It recommended that Mauritius seek the technical assistance of UNHCR in developing national asylum legislation and refugee status procedures consistent with relevant international standards.[150] The Committee against Torture and the Human Rights Committee had similar concerns.[151]

84. UNHCR also recommended inter alia, that Mauritius uphold and respect the international principle of non-refoulement and incorporate that principle in full into its national legislation; refrain from applying the concept of first country of asylum without safeguards incorporated in national legislation to ensure that asylum seekers and refugees effectively benefited from international protection and that Mauritius retained responsibility for obligations arising under international law; and establish a government agency responsible for receiving and screening asylum seekers, victims of trafficking and other individuals, who might arrive in Mauritius and who might be in need of international

protection, to ensure that they were referred to the correct procedures and received the necessary protection and assistance.[152]

85. The Committee on the Elimination of Discrimination against Women inquired about measures to ensure that migration and asylum policies did not deter women and girls from lawfully gaining access to asylum and about measures to ensure the equal application of labour laws to women migrant and local workers to prevent labour exploitation.[153]

6. Stateless persons

86. The Human Rights Committee remained concerned about the absence of a national mechanism on statelessness.[154]

87. UNHCR stated that there were no legal safeguards in the domestic legislation of Mauritius to grant nationality at birth to children born in the country who would otherwise be stateless, and to foundlings.[155]

88. UNHCR emphasized that without any legal status, stateless persons were often subject to a range of human rights violations and discrimination. It recommended, inter alia, that Mauritius introduce legal safeguards for foundlings and children born in the country who would otherwise be stateless.[156]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Mauritius will be available at www.ohchr.org/EN/Countries/AfricaRegion/Pages/MUIndex.aspx.
[2] For relevant recommendations, see A/HRC/25/8, paras. 128.1–128.15, 128.50–128.54, 129.1–129.13, 129.16 and 129.20–129.23.
[3] See CRC/C/MUS/CO/3-5, paras. 71–72.
[4] See CRPD/C/MUS/CO/1, para. 8. See also CRPD/C/MUS/CO/1/Add.1, paras. 15 and 20 and A/HRC/30/43/Add.3, para. 14.
[5] See CCPR/C/MUS/CO/5, para. 18. See also CRC/C/MUS/CO/3-5, para. 72.
[6] See CAT/C/MUS/CO/4, paras. 44 and 45. See also CRC/C/MUS/CO/3-5, para. 72.
[7] See CRC/C/MUS/CO/3-5, para. 64 (d).
[8] See A/HRC/30/43/Add.3, para. 14.
[9] See CRPD/C/MUS/CO/1, paras. 8 and 42 (a).
[10] UNHCR submission for the universal periodic review of Mauritius, p. 2. See also CAT/C/MUS/CO/4, para. 18.
[11] UNHCR submission, p. 2. See also: CAT/C/MUS/CO/4, para. 18 and CRC/C/MUS/CO/35, para. 75.
[12] UNHCR submission, p. 4. See also CRC/C/MUS/CO/3-5, para. 73.
[13] CRC/C/MUS/CO/3-5, para. 75. See also A/HRC/30/43/Add.3, para. 16.
[14] OHCHR, "OHCHR in the field: Africa", *OHCHR Report 2014*, p. 157.
[15] See CRC/C/MUS/CO/3-5, para. 74.
[16] See CAT/C/MUS/CO/4, para. 30.
[17] UNESCO submission for the universal periodic review of Mauritius, p. 7.
[18] OHCHR, "Donor profiles", *OHCHR Report 2016*, p. 130.
[19] For relevant recommendations, see A/HRC/25/8, paras. 128.16–128.21, 128.23–128.29, 128.42–128.44, 128.49, 128.65–128.66, 129.17–129.19, 129.24, 129.30 and 129.34.
[20] See A/HRC/30/43/Add.3, paras. 15 and 94.
[21] See CCPR/C/MUS/CO/5, paras. 3 (f) and 7. See also CAT/C/MUS/CO/4, para. 6 (d).
[22] See CAT/C/MUS/CO/4, para. 34. See also CCPR/C/MUS/CO/5, para. 8 and CRPD/C/MUS/CO/1, para. 46.
[23] See A/HRC/30/43/Add.3, para. 25.
[24] See CRC/C/MUS/CO/3-5, paras. 19–20.
[25] See CAT/C/MUS/CO/4, paras. 6 (e), 7 (a) and 33. See also CCPR/C/MUS/CO/5, para. 3 (i).
[26] Ibid., para. 7 (b). See also CRC/C/MUS/CO/3-5, para. 11.
[27] See CRC/C/MUS/CO/3-5, para. 5 (c).
[28] OHCHR, "Highlights of results", *OHCHR Report 2016*, p. 10.
[29] See CCPR/C/MUS/CO/5, para. 3 (a) and (b). See also CAT/C/MUS/CO/4, para. 6 (c).
[30] See CAT/C/MUS/CO/4, para. 6 (a), (b) and (f). See also CCPR/C/MUS/CO/5, para. 15.
[31] See CCPR/C/MUS/CO/5, para. 3 (h). See also CAT/C/MUS/CO/4, para. 6 (g).

[32] See CCPR/C/MUS/CO/5, para. 3 (e) and CRC/C/MUS/CO/3-5, para. 4 (a). See also CRC/C/MUS/CO/3-5, para. 27.
[33] See CAT/C/MUS/CO/4, para. 4.
[34] For relevant recommendations, see A/HRC/25/8, paras. 128.46, 128.65–128.66 and 129.31–129.33.
[35] See A/HRC/30/43/Add.3, paras. 33, 99 and 100.
[36] ILO Committee of Experts, direct request, Discrimination (Employment and Occupation) Convention, 1958 (No. 111), adopted 2016.
[37] ILO Committee of Experts, observation, Discrimination (Employment and Occupation) Convention, 1958 (No. 111), adopted 2016.
[38] See CRC/C/MUS/CO/3-5, paras. 27–28.
[39] See CCPR/C/MUS/CO/5, paras. 9–10.
[40] See A/HRC/30/43/Add.3, para. 18.
[41] See CCPR/C/MUS/CO/5, para. 22.
[42] See A/HRC/30/43/Add.3, para. 53.
[43] For relevant recommendations, see A/HRC/25/8, paras. 128.114.
[44] See statement of the Secretary-General, 9 May 2016, available at www.un.org/press/en/2016/sgsm17741.doc.htm.
[45] See CRC/C/MUS/CO/3-5, para. 58 (a).
[46] See A/HRC/30/43/Add.3, paras. 54 and 56.
[47] For relevant recommendations, see A/HRC/25/8, paras. 128.85–128.86.
[48] See CCPR/C/MUS/CO/5, paras. 27–28.
[49] For relevant recommendations, see A/HRC/25/8, paras. 128.39–128.41, 128.85 and 128.86.
[50] See CAT/C/MUS/CO/4, para. 31.
[51] See CCPR/C/MUS/CO/5, para. 33.
[52] See CAT/C/MUS/CO/4, paras 32 and. 36. See also CCPR/C/MUS/CO/5, para. 34.
[53] See CAT/C/MUS/CO/4, para. 16.
[54] Ibid., paras. 11–12 and 14.
[55] See CCPR/C/MUS/CO/5, para. 35.
[56] See CAT/C/MUS/CO/4, paras. 29 and 30. See also CCPR/C/MUS/CO/5, para. 36.
[57] See CCPR/C/MUS/CO/5, para. 36. See also CAT/C/MUS/CO/4, para. 7 (e).
[58] See A/HRC/30/43/Add.3, paras. 95, 101 and 102. See also CCPR/C/MUS/CO/5, para. 21.
[59] For relevant recommendations, see A/HRC/25/8, paras. 128.16, 128.30, 128.39, 128.41 and 129.15.
[60] See CAT/C/MUS/CO/4, para. 21.
[61] See CCPR/C/MUS/CO/5, para. 29. See also CAT/C/MUS/CO/4, para. 21.
[62] See CAT/C/MUS/CO/4, para. 22. See also CCPR/C/MUS/CO/5, para. 30.
[63] See CAT/C/MUS/CO/4, paras. 23–24 (b), (c) and (e).
[64] See CCPR/C/MUS/CO/5, paras. 31–32.
[65] For relevant recommendations, see A/HRC/25/8, paras. 128.48, 128.61–128.62, 128.88, 129.26–129.28 and 129.34.
[66] UNESCO submission, pp. 2 and 7.
[67] Ibid., pp. 3 and 7.
[68] See CCPR/C/105/D/1744/2007, para. 4.3.
[69] See CCPR/C/MUS/CO/5, paras. 41 and 42.
[70] See CCPR/C/MUS/CO/5, paras. 13–14. See also CEDAW/C/MUS/QPR/8, para. 11.
[71] For relevant recommendations, see A/HRC/25/8, paras. 128.81–128.84.
[72] See CRC/C/MUS/CO/3-5, para. 65.
[73] See CCPR/C/MUS/CO/5, para. 25.
[74] See CAT/C/MUS/CO/4, para. 41 (c).
[75] See CCPR/C/MUS/CO/5, para. 26. See also CRC/C/MUS/CO/3-5, para. 66 (b) and CEDAW/C/MUS/QPR/8, para. 9.
[76] See CAT/C/MUS/CO/4, para. 42 (c).
[77] See CCPR/C/MUS/CO/5, para. 26.
[78] See CRC/C/MUS/CO/3-5, para. 66. See also CEDAW/C/MUS/QPR/8, para. 9.
[79] For relevant recommendations, see A/HRC/25/8, para. 128.87.
[80] ILO Committee of Experts, observation, Equal Remuneration Convention, 1951 (No. 100), adopted 2016. See also CEDAW/C/MUS/QPR/8, para. 15.
[81] ILO Committee of Experts, observation, Right to Organise and Collective Bargaining Convention, 1949 (No. 98), adopted 2016.
[82] Ibid.
[83] ILO Committee of Experts, direct request, Discrimination (Employment and Occupation) Convention, 1958 (No. 111), adopted 2016.
[84] For relevant recommendations, see A/HRC/25/8, paras. 128.89–128.93.
[85] See A/HRC/30/43/Add.3, para. 115.

[86] For relevant recommendations, see A/HRC/25/8, paras. 128.89–128.94, 128.112 and 129.17–129.18.
[87] See A/HRC/30/43/Add.3, para. 45.
[88] See CRC/C/MUS/CO/3-5, paras. 59, 60 and 66 (d).
[89] See A/HRC/30/43/Add.3, paras. 8, 49 and 110.
[90] For relevant recommendations see A/HRC/25/8, paras. 128.45, 128.67–128.68 and 128.95–128.98.
[91] See CRC/C/MUS/CO/3-5, paras. 51–52.
[92] Ibid., para. 56 (b) and (c). See also CEDAW/C/MUS/QPR/8, para. 20.
[93] See CCPR/C/MUS/CO/5, para. 16. See also CRC/C/MUS/CO/3-5, para. 54 (a).
[94] See CCPR/C/MUS/CO/5, para. 16. See also CEDAW/C/MUS/QPR/8, para. 19.
[95] See A/HRC/30/43/Add.3, paras. 118, 123 and 125.
[96] For relevant recommendations, see A/HRC/25/8, paras. 128.30128.40, 128.99–128.100 and 128.104–128.105.
[97] See CRC/C/MUS/CO/3-5, paras. 61 and 62 (b), (c) and (d).
[98] UNESCO, p. 5.
[99] Ibid., p. 6. See also CEDAW/C/MUS/QPR/8, para. 12.
[100] See A/HRC/30/43/Add.3, para. 117.
[101] UNESCO, p. 6.
[102] For relevant recommendations, see A/HRC/25/8, paras. 128.17, 128.56–128.62, 128.69–128.77, 128.101–128.103, 129.19 and 129.25–129.27.
[103] See CEDAW/C/MUS/QPR/8, paras. 7 and 13.
[104] See CCPR/C/MUS/CO/5, paras. 11–12. See also: CEDAW/C/MUS/QPR/8, para. 15.
[105] ILO Committee of Experts, direct request, Discrimination (Employment and Occupation) Convention, 1958 (No. 111), adopted 2016. See also: CEDAW/C/MUS/QPR/8, para. 15.
[106] ILO Committee of Experts, observation, Equal Remuneration Convention, 1951 (No. 100), adopted 2016. See also CEDAW/C/MUS/QPR/8, para. 16.
[107] Letter dated 10 September 2014 from the Committee on the Elimination of Discrimination against Women to the Permanent Representative of Mauritius to the United Nations Office and other international organizations in Geneva, p. 2, available from http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/MUS/INT_CEDAW_FUL_MUS_18183_E.pdf (accessed on 5 July 2018). See also CEDAW/C/MUS/QPR/8, para. 23.
[108] See CCPR/C/MUS/CO/5, paras. 19 and 20. See also CAT/C/MUS/CO/4, para. 41 (a).
[109] See CAT/C/MUS/CO/4, para. 42 (a) and (b). See also CRPD/C/MUS/CO/1, para. 12 and letter dated 10 September 2014 from the Committee on the Elimination of Discrimination against Women to the Permanent Representative of Mauritius to the United Nations Office and other international organizations in Geneva, p. 3.
[110] Letter dated 10 September 2014 from the Committee on the Elimination of Discrimination against Women to the Permanent Representative of Mauritius to the United Nations Office and other international organizations in Geneva, p. 3.
[111] See CRPD/C/MUS/CO/1, para. 11.
[112] For relevant recommendations, see A/HRC/25/8, paras. 128.18–128.23, 128.29, 128.47, 128.63–128.64, 128.78–128.80, and 129.35.
[113] See CRC/C/MUS/CO/3-5, paras. 39 and 40 (b).
[114] Ibid., paras. 37–38. See also CCPR/C/MUS/CO/5, paras. 23–24 and CEDAW/C/MUS/QPR/8, para. 8.
[115] See CRC/C/MUS/CO/3-5, paras. 41 and 42 (b), (c), (d) and (e).
[116] Ibid., paras. 63 and 64 (a) and (b).
[117] Ibid., paras. 67 and 68 (a) and (b).
[118] Ibid., paras. 43 and 44 (b) and (d).
[119] See CCPR/C/MUS/CO/5, para. 39. See also CAT/C/MUS/CO/4, paras. 25–26 and CRC/C/MUS/CO/3-5, paras. 69–70.
[120] See CAT/C/MUS/CO/4, para. 26.
[121] See CRC/C/MUS/CO/3-5, para. 30.
[122] Ibid., paras. 32 (a) and 70.
[123] Ibid., paras. 5 and 11–12.
[124] Ibid., para. 16 (a).
[125] Ibid., paras. 10 and 14.
[126] Ibid., para. 46.
[127] Ibid., paras. 25–26.
[128] Ibid., paras. 34 and 62 (a).
[129] For relevant recommendations, see A/HRC/25/8, paras. 128.106–128.111.
[130] See CRPD/C/MUS/CO/1, paras. 27–28.
[131] Ibid., paras. 29–30.

[132] See CRPD/C/MUS/CO/1, paras. 31 and 32. See also CRC/C/MUS/CO/3-5, paras. 49 (c) and 50 (a) and (c).
[133] See CRPD/C/MUS/CO/1, paras. 6 and 20.
[134] See CRPD/C/MUS/CO/1, paras. 6 and 12. See also CRPD/C/MUS/CO/1, para. 16 (b).
[135] See A/HRC/30/43/Add.3, para. 51. See also CRPD/C/MUS/CO/1, para. 17.
[136] See CRPD/C/MUS/CO/1, paras. 18 and 24.
[137] Ibid., para. 22.
[138] UNESCO, p. 6. See also CRC/C/MUS/CO/3-5, paras. 23 and 49 (a), (b) and (c).
[139] See CRC/C/MUS/CO/3-5, para. 49 (b). See also CRPD/C/MUS/CO/1, para. 13.
[140] See CRPD/C/MUS/CO/1, para. 13. See also CRC/C/MUS/CO/3-5, para. 49 (a).
[141] See CRPD/C/MUS/CO/1, para. 34. See also CRC/C/MUS/CO/3-5, para. 50 (a).
[142] See CRC/C/MUS/CO/3-5, para. 50 (a), (b) and (c). See also: CRPD/C/MUS/CO/1, para. 34.
[143] See CRPD/C/MUS/CO/1, paras. 36 and 38.
[144] Ibid., para. 40.
[145] For relevant recommendations, see A/HRC/25/8, paras. 128.113 and 129.36.
[146] For relevant recommendations, see A/HRC/25/8, para. 129.14.
[147] See CAT/C/MUS/CO/4, para. 17.
[148] UNHCR submission, p. 1.
[149] Ibid., p. 2.
[150] Ibid., p. 2.
[151] See CCPR/C/MUS/CO/5, para. 37 and CAT/C/MUS/CO/4, para. 18.
[152] UNHCR, pp. 3–4. See also CCPR/C/MUS/CO/5, para. 38 and CAT/C/MUS/CO/4, para. 18.
[153] See CEDAW/C/MUS/QPR/8, paras. 9 and 18.
[154] See CCPR/C/MUS/CO/5, paras. 37–38.
[155] UNHCR submission, p. 4.
[156] Ibid.